

Appl. No. 10/798,496
Docket No. Z-03579/8109
Amdmt. Dated December 26, 2007
Reply to Notice of Appeal Recv'd by USPTO on Sept. 26, 2007
Customer No. 27752

REMARKS

Claim Status

Claims 1, 3, 4-7, 13-16, 18-22, 24-26, 28-29, and 31-32 are pending in the present application. No additional claims fee is believed to be due.

Claims 8-10, 12, and 33-36 are canceled without prejudice as they were no longer relate to the pending claims as amended.

Claims 21 and 29 have been amended to line up with previously amended independent claims 5 and 28 that specify that the polymer is water-insoluble or that the polymer in the first section is water-insoluble. Claim 21 now specifies certain species of water-insoluble polymer while claim 29 indicates that the second section polymer may also be water-insoluble. Support for these changes may be found in claims 21 and 29 as originally filed.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC §103(a) Over Tseng in view of Wdowik

Claims 1, 3, 4-7, 13-16, 18-22, 24-26, 28-29, and 31-32 are rejected under 35 USC §103(a) as being unpatentable over Tseng et al (US Patent 595688) in view of Wdowik (US Patent 5756081). The Office Action states that Applicant's arguments that an artisan would not have had a reasonable expectation of success in adding an ingredient intended for use is a shaving composition to a solid shaving composite is not persuasive. The Office states that Wdowik discloses "The present invention is not limited to any single shaving composition, regardless of its form before or after it is applied, that is solid, gel, cream, liquid or aerosol." Thus, the Office reasons that Wdowik teaches that the shaving composition could be in a solid form and it would have, therefore, been obvious to a person of ordinary skill in the art to provide the ingredients of a solid shaving composition, as taught by Wdowik, to another solid shaving composition, as taught by Tseng, since both shaving compositions used as a shaving aid in the personal shaving process by a razor assembly. The Office indicates that it should be taken under consideration that the shaving composite portions in Tseng include a shaving matrix that has

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different substances which may have some degree of roughness or abrasiveness that could be considered as "exfoliating elements." Finally, the Office points out that Applicant's argument that Wdowik provides no teaching or suggestion to a skilled artisan to incorporate a solid exfoliating composition into a single shaving unit is not persuasive. The Office counters by stating that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. Here, the Office believes that it is within the knowledge of a person of ordinary skill in the art to provide Tseng's shaving composition with the elements in Wdowik's shaving composition since both shaving compositions are solid and used to facilitate the personal shaving process. Applicant traverses this rejection.

Applicant continues to assert that the disclosures of Tseng and Wdowik when taken together do not render the remaining claims obvious. As enunciated in previous responses, Applicant points out that Tseng fails to even teach or suggest the inclusion of abrasive particles into the shaving aids disclosed therein. Wdowik discloses the inclusion of such particles into a shaving composition but still falls short of the present invention. Wdowik does not teach or suggest that the shaving composition that includes abrasive particles should be part and parcel of the razor blade assembly that is mentioned therein. Rather, Wdowik consistently mentions that the claimed shaving compositions are "for use in the personal shaving process with a razor blade assembly." Nowhere does Wdowik or Tseng teach or suggest that abrasive particle containing compositions could be formulated to be stabilized within a solid form that is then included into a shaving razor versus being packaged with or used with a shaving razor. Just because Wdowik discloses shaving compositions in solid form that include abrasive particles does not mean that a skilled artisan would be motivated to marry an arguably similar composition with a shaving razor so that a user need not be bothered with the extra step of manually preparing the skin for shaving or treating the skin after shaving. This is especially the case since Wdowik teaches "solid-stick applicators" as a suitable means for employing his compositions. This implies that the shaving composition of Wdowik need merely to be contacted with the skin without wetting of the skin, which is implied by Applicant's "wet shaving system". Further, Wdowik focuses on the fact that "no special considerations for media delivery must be reconciled." See col. 7, lines 28-37. This obviously indicates that Wdowik does not teach or suggest the shaving aid matrix of the present

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invention that allows for release of the abrasive particles from a water insoluble polymer as is claimed by Applicant.

Moreover, as Applicant's claims 26, 28, 29, 31, and 32 relate to a shaving aid composite, Applicant still asserts that Tseng and Wdowik together would have failed to motivate a skilled artisan to arrive at the present invention. Although Tseng teaches the inclusion of a water-insoluble polymer in its skin-engaging portion, it does not speak to the desirability of including a abrasive particles in such a portion. Now, Wdowik teaches the inclusion of abrasive particles in its shaving compositions but it does not teach or even suggest why a skilled artisan would want to incorporate a water-insoluble polymer in the composition to serve to release such particles over time from a composite (see page 7, lines 29-30 of present specification) that is highly moldable. The increased moldability of the composite is desirable in the present invention particularly due to the adherence and inclusion of the claimed material into a shaving system. The water-insoluble polymer that is not taught or suggested by Wdowik may also be particularly useful to provide adequate mechanical strength during production and during use. Based on this lack of direction provided by Wdowik and Tseng's failure to even mention abrasive particles, it is clear that one skilled in the art would not necessarily have been motivated to come up with Applicant's invention. In view of these arguments, Applicant continues to proffer that the remaining claims of the present application are not obvious in view of Tseng and Wdowik.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under §103(a). Early and favorable action in the case is respectfully requested. This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1, 3, 4-7, 13-16, 18-22, 24-26, 28-29, and 31-32 is respectfully requested.

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Respectfully submitted,

THE GILLETTE COMPANY

By 

Dara M. Kendall

Registration No. 43,709

(617) 421-7905

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Customer No. 27752